

REMARKS

Claims 2, 4-6, 9-13, 16, 17, 19, 20, 22-24 and 26-32 were pending in the present application, from which claims 4, 10, 12, 16-17, 19 and 24 have been cancelled and to which new claims 33-45 have been added. No new subject matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 2, 4-6, 16, 17, 19, 20, 26 and 27 have been rejected under 35 USC § 103(a) as being unpatentable over Verna (US 6,681,398 B1). Claims 9-13, 22-24 and 28-32 have been rejected under 35 USC § 103(a) as being unpatentable over Verna (US 6,681,398 B1) in view of Havey et al (US 6,597,346 B1). Applicants respectfully traverse these rejections for reasons set forth hereafter.

In the Office Action, it is conceded that, in Verna, the user interface on the reviewing system 220 is not capable of selecting a portion of the video content associated with a single camera located at the event. The Office Action also recognizes that Verna describes a selection system 140 that is separate from the reviewing system 220. Verna expressly provides that the selection system 140 is located at a distance from the reviewing system 220 (column 5, lines 50-54). The Office Action maintains, however, that it would have been obvious to move the selector functionality of selection system 140 of Verna into the reviewing system 220. The undersigned strenuously disagrees, such a change would not have been obvious. Verna teaches, in each embodiment, that the selection system 140 is maintained separate and distinct, both physically and in functionality, from the reviewing system 220. In each embodiment, Verna's reviewing system 220 represents a handheld device to review only video content already chosen remotely at the selection system 140. In no embodiment does Verna teach or suggest that the user of the reviewing system 220 could or would want to control the selection functionality, already available at the selection system 140. In fact, Verna's user of the reviewing system 220 would not want this responsibility as the user is focused on the live event. When Verna's primary applications are considered, it is clear that the user of the reviewing system 220 would have no interest in, and would not be able to, select user designated portions of video content. Verna's system is primarily intended for use by officials at sporting events as a means of

reviewing plays in the sporting while the official is on the field. An official at a sporting event would not have the time, nor interest in, both selecting which camera angles are to be viewed at the reviewing system as well as which content from such cameras should be stored locally in the reviewing systems 220. In doing so, the official would miss plays of the game. An official would want to use the reviewing systems 220, only after a close play has occurred. During the event, the official is busy viewing and officiating the event. By the time the official had any interest in using the reviewing systems 220 of Verna, the play is over. Therefore, it would be inoperative, and of no use, if the video content were not already selected at the remote selection system 140 by a different person. Therefore, the person of ordinary skill would not have been motivated to move the selector functionality from the selection system 140 to the reviewing systems 220. Thus, it is submitted that claim 26, is neither anticipated nor rendered obvious by Verna.

Claim 27 is also neither anticipated nor rendered obvious by Verna. The Office Action cites to sections of columns 15, 17, 18 and 19 from Verna, yet the cited sections of Verna do not discuss any reason, nor implementation, for permitting the operator of the reviewing system 220 to selectively store individual images to be reviewed again and again on the display of the portable handheld device. As previously explained, and confirmed from a close reading of Verna, each and every embodiment of Verna necessitates that the selection system 140, which is separate and remote from the reviewing system 220, control all selection of video segments. The operator of the reviewing system 220 is only afforded the ability to view what has already been selected at the remote selection system 140. The operator of the reviewing system 220 does not have any ability to select individual images from the content stored on the reviewing system 220 to be reviewed again and again.

Regarding claim 6, Applicants respectfully traverse the Examiner's reliance on Official Notice to allegedly fill in for the deficiencies of Verna. The Office Action acknowledged that Verna lacks a removable memory having the claimed limitations. The Office Action takes Official Notice that storing data on a removable memory is well-known. It is submitted that regardless of whether flash memory drives are known, it does not necessarily follow that it would have been obvious, or that there would have been any legitimate reason, to provide a

removable memory module as claimed that is configured to allow for downloading of a stored user designated portion of the event video content to an external device. As explained above, Verna does not teach or suggest that the operator of the reviewing system 220 (typically an official at a sporting event) would have any reason to select user designated portions of the video content. Therefore, not only would the person of ordinary skill have no reason to store user designated portions of the video in Verna's reviewing system 220, but the person of ordinary skill would also have no reason to make the yet further additional modification to Verna's base system as maintained in connection with claim 6. Specifically, the person of ordinary skill would have no reason to first modify the reviewing system 220 to permit user designation of portions of the video content and then further modify Verna's system to provide a removable memory module configured to allow downloading of the user designated portions of the video content to an external device. Instead, it is submitted that the outstanding Office Action cascades improper rejections of claims 6 and 26 upon one another. The impropriety rejection of claim 26 further compounds the impropriety of the rejection of dependent claim 6. Should the Examiner continue to maintain Official Notice in connection with claim 6, the Examiner is requested to provide a specific reference providing a motivation that would satisfy a legitimate reason for the person of ordinary skill to modify Verna's reviewing system 220 as asserted.

Turning to the rejection of claims 9-13, 22-24 and 28-32 based on Verna and Havey, it is submitted that no legitimate reason has been provided for combining the teachings of Verna and Havey in a manner that would render obvious the claims. As conceded in the Office Action, Verna lacks any suggestion of providing a magnified mode of operation, or a plurality of modes including a video viewer mode and digital camera mode. Havey allegedly makes up for these deficiencies. The undersigned disagrees. Havey describes a handheld computer with a see-through display. Havey's teachings are entirely unrelated to, and not concerned with, the field of use for Verna's system. Also, Havey addresses NO problem and offers NO solution to a problem suffered by Verna's system. Havey makes no reference to any application of Havey's handheld computer that is similar to the applications of Verna's reviewing system. Havey describes a handheld computer for use in areas such as an individual soldier in the military and the like. Havey explains that a soldier might use the handheld computer to view a display and background information simultaneously. Havey explains that it is helpful to have various types

of data superimposed on to a real world view (column 2, lines 15-32), such as to create a special effect for a motion picture or to permit a military person to view a field area. Havey explains that in a similar application a direct combination of electronic data with an operator's view of his current surroundings might be preferred (column 2, lines 33-38). Havey goes on to explain in the summary of the invention section that Havey's invention provides a handheld computer having a see-through display "which allows an operator to look through the device and view his immediate surroundings and simultaneously view a display from an internal computer." (column 3, line 67 to column 4, line 3). Havey explains that simultaneous view of the surroundings and the display content from the computer makes it possible to have two views superimposed.

Verna's system has no need for, and would not benefit from, providing Havey's type of see-through display on Verna's reviewing systems 220 to permit simultaneous viewing of the immediate surroundings and the display of the computer. An official at a sporting event would have no use for Havey's system. The other contemplated users of Verna's system would also have no desire to, and would experience no advantage in, viewing simultaneously the surroundings superimposed with data from a computer in a see-through display. The teachings of Havey must be taken as a whole and when Havey's true purpose is considered, it is clear that nothing in Havey provides any legitimate reason for modifying Verna to provide the claimed invention. Thus, it is submitted that claims 31 and 32 are not rendered obvious by the combined teachings of Verna and Havey.

Further, new independent claim 33 is patentable over the prior art. Claim 33 defines a wireless portable handheld device having a handheld housing that includes a receiver, a digital camera and user interface. The receiver receives both live local event related video content and live remote event related video content. The local and remote event related video content relate to local and remote events that are occurring simultaneously, but at different venues remote from one another. The local event related video content is generated by a plurality of cameras located at the local event. The remote event related video content is generated at the remote event (e.g., by a single camera, by multiple cameras, from a production facility and the like). As one example, the live remote event related video content may constitute a channel provided over DirectTV, Dish Network, ESPN and the like. The claimed digital camera is provided in the

handheld housing to capture at least one of images and video. A user interface allows the user to select between the various inputs, while a display is provided, within or separately attached to the handheld housing, for displaying a selected one of the live local and remote event related video content and/or the images and video captured by the digital camera.

As explained above, Verna's reviewing system 220 has no ability to review live remote event related video content for a remote event occurring simultaneous with the local event. Verna's system also lacks any form of digital camera. As explained above, there is no legitimate reason for adding Havey's handheld computer with a see-through display to Verna's reviewing system. Havey's computer does not display live local or remote event related video content. Thus, claim 33 is non-obvious.

New dependent claims 34-44 have been added to further define unique aspects of the present invention. Claim 4 has been cancelled and replaced with new claim 35. New claims 36 and 37 resemble claim 35, but depend from independent claims 31 and 32, respectively. Claims 35-37 require the receiver to wirelessly receive live remote event-related video content generated at a remote event and relating to the remote event. The remote event occurs simultaneously with the local event. The remote event occurs at a venue remote from the local event. The display displays the live remote event-related video content when selected at the user interface. Verna does not teach or suggest the claimed live remote event related video content received and displayed at a portable wireless handheld device while watching a local event live. As clearly defined in claims 35-37, the video content that is received, selected and displayed on the portable wireless handheld device is associated with another live event occurring simultaneously and remotely at a different venue from where the event is being attended by the user of the device. Verna teaches no such remote content. Instead, Verna describes (at column 4, lines 53-62) that data may be presented on the reviewing system 220. The data comprises statistics, information related to the teams and players, promotional material, financial or stock market information. Verna does not teach or suggest that the live remote event related video content could or should be presented at the reviewing system 220.

Claims 38-43 further require that the local and remote events constitute a common type of sporting event or that the local and remote events constitute football games. Again, there is no suggestion within the prior art to provide the claimed remote live video content at a portable device viewed at local event. Claims 44 and 45 further define the digital camera of claims 33 and 32 to comprise a CCD as part of the housing to capture images of the event where the CCD is controlled by the processor to also provide a zoom capability. Nothing in the prior art teaches or suggests to include such a digital camera in the handheld device.

Finally, it is recognized that the claimed devices may have additional functionality, such as offered on a cell phone, PDA, laptop, Blackberry device and the like. It is recognized that the term "live" encompasses a certain amount of delay similar to the delays associated with viewing events at home (e.g., delays may be caused at a production site or caused by the transmission medium).

In view of the forgoing, it is respectfully submitted that the pending claims define allowable subject matter. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,

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